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**Admitted to practice in NY, N.D.N.Y., W.D.N.Y.,
2d & 4th Cir., U.S. Supreme Court*

May 9, 2023

Hon. Brenda K. Sannes
United States District Court
Northern District of New York
100 South Clinton Street
Syracuse, New York 13261

via CM/ECF

Re: Nadine Gazzola, et al. v. Gov. Kathleen Hochul, et al.
Case No. 1:22-cv-1134 (BKS/DJS)
2d Cir Case No. 22-3068

To the Hon. Brenda K. Sannes:

This letter is a request for a second extension of time to submit Plaintiffs' response to the State's motion to dismiss. The motion was made February 28, 2023. [51] The text order extension of March 1, 2023 [53] designated May 19, 2023 for submission. To date, the Second Circuit Court of Appeals has not ruled on Plaintiffs' appeal of their motion for preliminary injunctive relief (argued March 20, 2023, in tandem with four related cases). It remains our position that a ruling on the arguments, as submitted, including, but not limited to, the "likelihood of success" of the claims, may impact our response and the Court's ruling on the FRCP 12(b)(6) motion.

All related cases remain stayed, pending the appellate decision. Likewise, the three other related cases, not on appeal, are also stayed for the same reason.

Also, I am analyzing the "technical amendments" to the FY2023 NYS Budget, signed in final last week, for any impact upon our case.

I request a 60-day extension to July 20, 2023. I will apprise the Court if anything should change in this procedural posture.

If the Court declines this request and compels a response to the motion to dismiss, I request the submission date be changed to Friday, May 26, 2023.

On this date, I spoke with Ms. Cowan. She does not oppose this request.

Respectfully submitted,

Paloma A. Capanna

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c.: Aimee Cowan, Esq., NYS Office of the Attorney General (via CM/ECF)
Timothy Mulvaney, Esq., NYS Office of the Attorney General (via CM/ECF)